



General Assembly

January Session, 2003

Amendment

LCO No. **6417**

SB0096906417SR0

Offered by:

SEN. FASANO, 34th Dist.

To: Subst. Senate Bill No. **969**

File No. 634

Cal. No. 410

"AN ACT CONCERNING INVESTIGATIVE SUBPOENAS."

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- 1 In line 12, strike "including the investigation of"
 - 2 Strike lines 13 and 14 in their entirety
 - 3 In line 15, strike "under the law,"
 - 4 In line 17, after "and" and before "testimony" insert "sworn"
 - 5 In line 34, after the period insert "The court shall immediately seal
 - 6 such application."
 - 7 In line 39, strike "or a defense or"
 - 8 Strike line 40 in its entirety
 - 9 In line 41, strike "such a felony or violation,"
 - 10 In line 48, strike "or the validity of a defense or affirmative defense"
 - 11 In line 49, strike "raised with respect to the commission of such a

12 felony or violation,"

13 In line 55, after "efforts" insert ", which efforts shall be set forth and
14 described in such affidavit,"

15 In line 60, after "investigation" insert "and the facts that form the
16 basis for believing that such reasonable efforts would significantly
17 hinder the investigation"

18 In line 61, before "If" insert "Any court proceeding with respect to an
19 application submitted pursuant to subsection (a) of this section shall
20 not be open to the public."

21 In line 63, strike "The judge may"

22 Strike lines 64 to 66, inclusive, in their entirety and insert in lieu
23 thereof "Except"

24 In line 108, strike "at least one working day prior to the date" and
25 insert in lieu thereof "not less than eighteen hours prior to the time"

26 Strike section 6 in its entirety and substitute the following in lieu
27 thereof:

28 "Sec. 6. (NEW) (*Effective October 1, 2003*) If any subpoena is issued
29 pursuant to sections 1 to 12, inclusive, of this act for the production of
30 any medical records or psychiatric records of a person, the prosecuting
31 official shall give written notice of the issuance of such subpoena to
32 such person by certified mail, return receipt requested. Such person
33 shall have standing to file a motion to quash the subpoena in
34 accordance with section 9 of this act. All medical records or psychiatric
35 records that are produced pursuant to a subpoena issued pursuant to
36 sections 1 to 12, inclusive, of this act shall be delivered to the court and
37 designated as privileged and confidential records and placed under
38 seal by the court. Such records shall be held under seal by the court for
39 a period of at least fifteen days. If no motion to quash is filed during
40 such period, the court may forward the records to the prosecuting
41 official conducting the investigation and such records shall be

42 maintained by such prosecuting official in a confidential manner until
43 an arrest is made as a result of the investigation. If a motion to quash is
44 filed, such records shall remain under seal with the court until the
45 court renders a decision on such motion."

46 In line 161, after "shall" insert ", on the record,"